

### **REMARKS**

Claims 5-21 are currently pending in the application. New claims 22-24 are presented for consideration. Claims 8-11 have been withdrawn from consideration.

Claims 17-21 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

Claim 17 has been amended to address the issue raised by the Examiner.

The Detailed Description has been amended to describe what is shown clearly in the drawings to support the language in claim 21.

Accordingly, withdrawal of the rejection of claims 17-21 under 35 U.S.C. § 112, first paragraph, is requested.

Claims 18-20 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the invention.

Each of the alleged problems identified by the Examiner has been addressed by amendment herein.

Accordingly, withdrawal of the rejection of claims 18-20 under 35 U.S.C. § 112, second paragraph, is requested.

Claims 5-7 stand rejected under 35 U.S.C. § 103 as obvious over U.S. Patent Publication No. 2002/0130139, to Shiraishi et al (Shiraishi), in view of U.S. Patent No. 5,373,967, to Grooms et al. (Grooms).<sup>1</sup> Claim 12 stands rejected under 35 U.S.C. § 103 as obvious over Shiraishi in view of Grooms, and further in view of U.S.

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<sup>1</sup> The Examiner identifies the secondary reference as "Groom et al. '132". It is assumed that this is a typographical error and that the Examiner intended to cite to Grooms U.S. Patent No. 5,373,967.

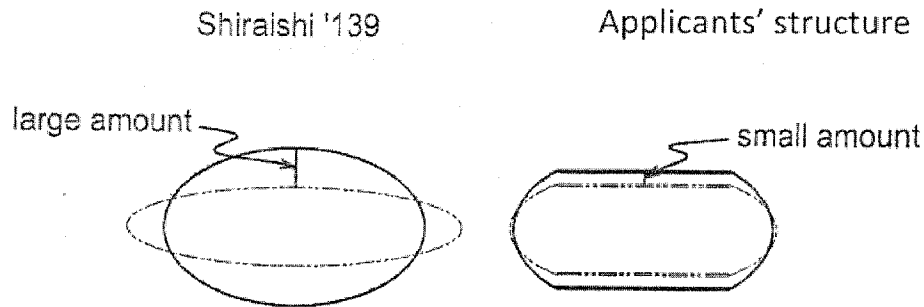
Patent No. 3,662,048 (Turner). Claim 13 stands rejected under 35 U.S.C. § 103 as obvious over Shiraishi in view of Grooms, and further in view of U.S. Patent No. 4,020,978 (Szczepanski). Claims 14-16 stand rejected under 35 U.S.C. § 103 as obvious over Shiraishi in view of Grooms, and further in view of U.S. Patent No. 4,387,816 (Weckman). Claims 17-20 stand rejected under 35 U.S.C. § 103 as obvious over Shiraishi in view of Grooms, and further in view of U.S. Patent No. 5,344,045, to Richter et al. (Richter).

Reconsideration of the rejection of claims 5-7 and 12-21 and favorable consideration of new claims 22-24 are requested.

In rejecting claim 5, the Examiner has not addressed the limitation relative to the front and rear wall portions. More specifically, the front and rear wall portions are characterized as being "generally flat." This structure can be seen, for example, in Fig. 6.

Shiraishi discloses an oval-shaped bottle, as the Examiner recognizes.

The differences in both structure and operation, comparing Shiraishi's bottle with the Applicants', can be seen with reference to the cross-sectional views below.



A large amount of movement of Shiraishi's front and rear wall portions is required to effect discharge of the contents, whereas a substantially smaller amount of displacement of Applicants' front and rear wall portions is required for such displacement. As seen from the cross-sectional views, the overall configuration of the bottles, and reconfiguration thereof required for contents discharge, are substantially different.

Nowhere does Shiraishi discuss the possibility of modifying the structure therein to have generally flat, corresponding front and rear wall portions. Similarly, Grooms lacks such a teaching and instead has an oval shape such as in Shiraishi.

Thus, even if one combined Shiraishi and Grooms, one would not end up with the structure recited in claim 5.

Claims 6, 7, 12-21, and new claim 23, each depends directly or indirectly from claim 5 and recites further significant limitations to further distinguish over the applied art. The secondary references -- Turner, Szczepanski, Weckman, and Richter -- all relied upon to show details of dependent claims, do not teach or make obvious any

modification of Shiraishi that would result in the basic structure in claim 5, upon which these dependent claims are based.

New claim 22, and claim 24, based thereon, incorporate the limitations of claim 5 with the exception that the front and rear wall portions are characterized as either planar or slightly curved. Further, the average thickness of the left and right wall portions is characterized as less than the average thickness of the front and rear wall portions.

Again, the art cited by the Examiner is devoid of any corresponding teaching or suggestion of incorporating planar, or slightly curved, front and rear wall portions.

Reconsideration of the rejection of claims 5-7 and 12-21 and allowance of the case are requested.

Respectfully submitted,

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